IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5700 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

KISHORBHAI JAGJIVANDAS NATHWANI

Versus

JAI BUILDERS PARTNERSHIP FIRM THRO.PARTNER

Appearance:

1. Special Civil Application No. 5700 of 2003

MR HRIDAY BUCH for Petitioner No. 1

MS YAMINI J DESAI for Respondent No. 1-4

CORAM : MR.JUSTICE JAYANT PATEL

Date of decision: 23/07/2003

ORAL JUDGEMENT

1. Mr.Buch, learned Counsel appearing for the petitioner, states that pursuant to the last order dated

19-7-2003 passed by this Court, the petitioner enquired into the matter and he came to know that the legality and validity of the plan sanctioned by the Municipality was challenged by the Society by preferring application under Section 258 of the Gujarat Municipalities Act before the District Collector and the District Collector has rejected the said application as per the decision dated 29-7-2002. He submitted that as per his information the Society has challenged the same, but in any event the petitioner is desirous to challenge the said decision of the District Collector before the State Government by preferring revision under Section 264 of the Gujarat Municipalities Act, since the petitioner who is a neighbour is aggrieved by the decision of the Collector and, therefore, he seeks permission to withdraw this petition with a view to approach before the State Government for challenging the order of the Collector dated 29-7-2002.

2. Permission granted. Disposed of as withdrawn. Rule discharged. Ad-interim relief granted earlier deserves to be vacated. However, the ad-interim relief granted earlier shall remain in operation upto 1-8-2003. It is needless to clarify that the State Government shall be at liberty to take independent view on the basis of the material available with it and shall decide the matter in accordance with law, without being influenced, by the withdrawal of the present petition.

23-7-2003 (Jayant Patel, J.)

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